

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Midwest Operating Engineers Welfare Fund, <i>et al.</i> ,)	
)	
)	
Plaintiffs,)	Case No. 24-cv-9681
)	
v.)	Judge: John J. Tharp, Jr.
)	Magistrate Judge: Maria Valdez
Tyro Construction Inc.,)	
an Illinois corporation; and)	
Tracy Perkins, an individual,)	
)	
Defendants.)	

JOINT MOTION FOR CONSENT JUDGMENT

Pursuant to an agreement reached between Plaintiffs and Defendants, the parties jointly move the Court to enter a Consent Judgment Order containing the following terms:

Defendants Tyro Construction Inc., an Illinois corporation (“Tyro”), and Tracy Perkins, an individual, do not dispute the Complaint allegations against it or the findings of delinquent fringe benefit and CRF contributions and union dues; and therefore, Defendants agree to a consent judgment against them.

1. Defendant Tyro has breached its contractual obligations under the collective bargaining agreement and trust documents identified in the Complaint (Exhibit A).

2. Defendant Tracy Perkins has breached the Payment Plan reached to settle the delinquent amounts owed.

3. Defendants are liable to the Funds and CRF for the full amount of the breach identified in the Complaint, plus attorneys’ fees and costs.

4. Defendants are liable to the International Union of Operating Engineers, Local 150, AFL-CIO, for unpaid administrative dues, plus attorneys’ fees and costs of this action.

5. Defendants are obligated to make contributions to the Funds, pay interest on unpaid contributions, and liquidated damages and costs as follows:

\$140,697.93 in delinquent fringe benefits, CRF contributions, union dues;
\$4,925.00 in attorneys' fees (Attachment 1);
\$863.18 in costs (Attachment 1);
for a total Consent Judgment amount of \$146,486.11.

6. Plaintiffs' claims for attorneys' fees shall be considered pursuant to Local Rule 54.3 and 29 U.S.C. § 1132(g)(1).

7. Under Rule 54(b), Fed. R. Civ. P., there is no just reason for delay in the entry of a Judgment Order as to the sum of \$146,486.11 owed to Plaintiffs from Defendants.

WHEREFORE, the parties jointly request that this Court enter Judgment against Defendants and order Defendants to pay the following delinquent contribution amounts to Plaintiffs:

\$140,697.93 in delinquent fringe benefits, CRF contributions, union dues;
\$4,925.00 in attorneys' fees (Attachment 1);
\$863.18 in costs (Attachment 1);
for a total Consent Judgment amount of \$146,486.11.

Dated: June 9, 2025

Respectfully submitted,

By: /s/ Charles R. Kiser

By: /s/ Todd A. Miller

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on June 9, 2025, he electronically filed the foregoing with the Clerk of Court using the CM/CM/ECF system which sent notification to the following:

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